

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45880 of 2015

Arising Out of PS.Case No. -18 Year- 2014 Thana -BHAPATIYAH District- SUPAUL

- =====
1. Mahanand Thakur S/o Late Bodh Krishna Thakur
 2. Lalan Thakur S/o Late Upendra Thakur
 3. Manoj Thakur S/o Late Upendra Thakur
 4. Shashikant Thakur S/o Mahanand Thakur

All are Resident of Narayanpur, P.S. Bhaptiahi, District Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karuna Kant Jha

For the Opposite Party/s : Mr. Renu Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 02-11-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 363, 365, 341, 323 & 34 of the Indian Penal Code, though this Court was not inclined to grant privilege of anticipatory bail to the petitioners keeping in view the statement made under Section 164 of the Code of Criminal Procedure but, then, a coordinate Bench of this Court by an order dated 25.6.2015 in Cr.Misc. No. 19160 of 2015 has granted anticipatory bail to the co-accused, namely, Chunu Jha, having more serious allegation, this Court, in order to maintain parity, will have to grant privilege of anticipatory bail to the petitioners.

That being so, if the petitioners, namely, Mahanand Thakur, Lalan Thakur, Manoj Thakur and Shashikant Thakur



surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Jitendra Kumar, Judicial Magistrate, 1st Class, Supaul in connection with Bhaptiahi P.S. Case No. 18 of 2014 (G.R. No. 395 of 2014), subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

(i) That both the bailors will be a close relative of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the affidavit shall clearly state that the petitioners are not an accused in any other case and if they are, they shall not be released on bail.

(iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioners will be well represented on

each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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